

**THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF ENVIRONMENTAL SERVICES
WATER COUNCIL**

In re Appeal of the Randall and Caryl Parker
Docket No. 02-14 WC

SETTLEMENT AGREEMENT

NOW COME Randall and Caryl Parker, individually, and the New Hampshire Department of Environmental Services, Water Division, by and through their authorized representatives, and stipulate and agree to the following settlement of the above-referenced Appeal:

1. On March 13, 1999, the New Hampshire Department of Environmental Services, Wetlands Bureau ("DES") issued a permit to ("the Permit") Randall and Caryl Parker to install a 6 ft x 30 ft. seasonal dock, excavate an area approximately 450 sq.ft. beginning at a point 3 ft. shoreward of the undisturbed shoreline for the construction of a 18 ft. x. 18 ft. perched beach with a 1 ft. wide stone retaining wall on the sides and back of the beach, excavate 15 sq.ft of the bank for the construction of a 3 ft. wide stepped access to the lake, on 100 ft. of shoreline frontage on Lake Winnepesaukee in Tuftonboro, NH.
2. On October 4, 2002, the New Hampshire Department of Environmental Services, Wetlands Bureau ("DES") issued an Administrative Order ("Order") to Randall and Caryl Parker for constructing a structure within 20 feet of Lake Winnepesaukee ("the Lake") without a variance and for constructing an accessory structure which exceeds the 150 square foot limitation. The Order required the Parkers to submit a plan for the relocation of the dry boathouse structure to a location 50 feet from the reference line of the Lake.
3. On February 12 2003, the Water Council voted to dismiss as untimely the Parker's appeal of the Order.
4. Subsequently, the Parkers filed a motion for reconsideration to the Council to reconsider its dismissal.
5. On March 14, 2003, DES personnel met with the Parkers and their attorneys to discuss possible settlement of the appeal.
6. On April 10, 2003, DES personnel met with the Parkers to review a proposed plan for settlement of the Order.
7. On April 10, 2003, DES received a proposed settlement plan dated April 7, 2003, which includes removal of a portion of the deck, shoreline plantings and proposed and as-built diagrams of the Restoration project.
8. In order to resolve this matter, the parties have agreed to the terms of this Settlement Agreement ("Agreement") as set forth herein. The effective date of this Agreement shall be the date upon which it is signed by Randall and Caryl Parker, and the New Hampshire Department of Environmental Services, Water Division, by their authorized representatives ("the Parties") and accepted by the Commissioner of DES. After that date, this Agreement may be amended only by written agreement signed by the Parties and the Commissioner. Any such amendment shall become effective on the date upon which it is accepted by the Commissioner.

9. The Parkers shall remove the portion of the deck as shown on the April 7, 2003 plans by June 15, 2004.
10. The Parkers shall plant three Highbush Blueberry bushes in the deck relocation positions by June 15, 2004.
11. By June 30, 2004, the Parkers shall submit photographs and a letter to DES documenting compliance with Paragraphs 9 and 10.
12. By entering into this Agreement, the Parkers agree to waive their right to appeal before the Water Council.
13. Within 10 days of the effective date of this Agreement, the Appellants shall file a Notice of Withdrawal their appeal with the Water Council. A copy of the Withdrawal shall be affixed hereto.
14. Within 10 days of determination on compliance with the Agreement by DES, DES will issue a Release of the Order.

WHEREFORE, the parties respectfully request the Commissioner to accept the terms of this Agreement.

Respectfully submitted,
Randall and Caryl Parker

By Their Attorneys

10/17/03
Date

C. Christine Fillmore
By: Christine Fillmore, Esq.

10/20/03
Date

DES Water Division

Harry T. Stewart
By: Harry T. Stewart, P.E., Director

This Settlement Agreement is accepted this 24th day of October, 2003.

Michael P. Nolin
to Michael P. Nolin
Commissioner
Department of Environmental Services